

### **REMARKS**

In the Office Action, the Examiner rejected all pending claims 1-6, 8-14, 16-21, 23-26, and 29-37. In view of the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

### **Objection to the Specification**

In the Office Action, the Examiner objected to Applicants amendment filed November 2, 2007, asserting that the amendment introduced new matter into the disclosure. Final Office Action, page 5. However, by the present Response, Applicants have amended the specification, as indicated as required by the Examiner. In view of this present amendment, Applicants respectfully request the Examiner withdraw the objection to the specification.

### **Rejections Under 35 U.S.C. § 102**

The Examiner rejected claims 33-35 under Section 102(b) as being anticipated by Brant et al (U.S. Patent No. 6,278,975). Applicants respectfully traverse this rejection.

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). Every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Indeed, the prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 33 recites “means for graphically displaying acceptable voice commands at an interface of the medical system.” (Emphasis added). In contrast, the voice commands in Brandt are *not* displayed at an interface (such as main console 38 or

remote controller 54) of the microsurgical system 12. Instead, the voice commands in Brandt displayed at a separate computer 18. *See* Brandt, col. 3, lines 46-57; col. 4, lines 15-25, 34-38, and 55-67 (“The computer 18 is preferably an IBM Think Pad laptop computer . . .”). Clearly, while computer 18 may be considered a part of the overall Brandt system 10, it is not part of the microsurgical system 12. *See* col. 3, lines 46-57; col. 5, line 13 – col. 6, line 57. Therefore, claim 33 and its dependent claims are believed to be patentable over the cited reference. Accordingly, Applicants respectfully request the Examiner withdraw the foregoing rejection and allow the claims.

**Claim Rejections under 35 U.S.C. § 103**

The Examiner rejected claims 1-6, 8-14, 16-21, 23-26, 29-32, and 36-37 under 35 U.S.C. § 103(a) as being unpatentable over Brant et al in view of Greenberg (U.S. Patent No. 6,514,201). Of these rejected claims, claims 1, 8, 16, 23, 30, and 36 are independent. Applicants respectfully traverse this rejection.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). To establish a *prima facie* case, the Examiner must show that the combination includes *all* of the claimed elements, and also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

In the previous Response, the foregoing independent claims were amended to be generally directed to speech recognition control of either: (1) a picture archival communication system (PACS); or (2) a medical dictation station for annotating radiological images. In contrast, the Brant et al. reference is absolutely devoid of these features. In addition, the secondary reference (Greenberg) teaches an “ultrasound review station” and not a PACS or medical dictation station. *See* Greenberg, col. 5, lines 38-43. While a user may review images at the Greenberg ultrasound review station, this station

cannot be characterized as picture archival communication system, as claimed. Moreover, while a user at the Greenberg ultrasound review station may insert text via speech, such a configuration is not the presently-claimed dictation station for annotating radiological images. Thus, all claims are believed to patentable over the cited combination.

Accordingly, Applicants respectfully request the Examiner withdraw the foregoing rejection under 35 U.S.C. § 103(a) and allow the claims.

**Conclusion**

Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: March 28, 2008



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